

CIVIL NO. 1:08CV492

Defendants.

ORDER

On February 9, 2009, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and

conclusions of law in support of a recommendation regarding Defendants' motion to dismiss. The parties were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 10 days of service of the Recommendation; the period within which to file objections expired on February 27, 2009. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that Defendants' motion to dismiss be denied.

IT IS, THEREFORE, ORDERED that Defendants' motion to dismiss is hereby **DENIED**.

IT IS FURTHER ORDERED that the parties submit a joint Certification of Initial Attorneys Conference within 14 days from entry of this Order.

Signed: March 3, 2009



Lacy H. Thornburg
United States District Judge

